

Our ref: FOI-2023-10033
OAIC Ref: MR23/00438

22 August 2023

Emailed

Dear External Discloser

Freedom of Information request – Documents do not exist

I refer to your request of 11 March 2023 to this Office under the *Freedom of Information Act 1982* (FOI Act) for access to document/s in the following terms:

“documented decision” of the Agency Head of the Federal Court of Australia Statutory Agency evidencing:

a) the role evaluation (or role review) such that the SES Band 1 classified National Judicial Registrar & District Registrar role in the Queensland District Registry of the Federal Court was, in light of the work value of the group of duties described in the work level standards and a proper job analysis, reclassified and allocated an Executive Level 2 classification for the purposes of rule 9 of the Public Service Classification Rules 2000 (Cth);

b) the role evaluation (or role review) such that the SES Band 1 classified National Judicial Registrar & District Registrar role in the Western Australia District Registry of the Federal Court was, in light of the work value of the group of duties described in the work level standards and a proper job analysis, reclassified and allocated an Executive Level 2 classification for the purposes of rule 9 of the Public Service Classification Rules 2000 (Cth);

c) the role evaluation (or role review) such that the SES Band 1 classified National Judicial Registrar role in the Federal Court was, in light of the work value of the group of duties described in the work level standards and a proper job analysis, reclassified and allocated an Executive Level 2 classification for the purposes of rule 9 of the Public Service Classification Rules 2000 (Cth).

I apologise for the delay in processing your request. Pursuant to s 15AC of the FOI Act your request was deemed to have been refused (access refusal decision).

The Office of the Australian Information Commissioner (OAIC) notified our Office on 3 May 2023 of an application for Information Commissioner review of the deemed access refusal decision made under s 15AC of the FOI Act. On 10 July 2023 we responded to OAIC’s Preliminary Inquiries.

Decision

I am an officer authorised under s 23 of the FOI Act to make decisions in relation to FOI requests.

We have searched our records for any documents this Office may hold, that would fall within the scope of your request. However, we have not identified any documents that meet the description of the documents you have requested. Having not located any relevant documents, I am satisfied that no documents within the scope of your request exist.

I have consulted with the relevant area of the Ombudsman's Office and staff involved in the investigation with which this FOI request relates. They have conducted a search of all material relating to the investigation which might fall within the scope of your request. I am satisfied all reasonable steps have been taken to find the document.

If the document as expressly described in your request exists, it is not in the possession of our Office. While there are other documents which could be considered relevant to the subject of your request the Office is not in the possession of a documented decision of the Agency Head of the Federal Court of Australia Statutory Agency evidencing the matters listed in your request.

Subsection 24A(1) of the FOI Act permits refusal of a request for access to a document where all reasonable steps have been taken to find the document and the agency or Minister is satisfied that the document does not exist. Having regard to the outcome of our searches for relevant documents, I have decided to refuse your request under subsection 24A(1) of the FOI Act.

In reaching my decision, I have taken the following things into account:

- your correspondence outlining the particulars of your FOI request
- internal consultation
- the FOI Act
- the OAIC Guidelines.

Complaints to the Office of the Australian Information Commissioner

You may complain to the OAIC about action taken by the Ombudsman in relation to your FOI request.

While there is no particular form required to make a complaint to the OAIC, the complaint should be in writing and set out the reasons for why you are dissatisfied with the way your request was processed. It should also identify the Ombudsman's Office as the agency about which you are complaining.

You may lodge your complaint either:

- online at oaic.gov.au/about-us/contact-us
- by overland mail to GPO Box 5218 Sydney NSW 2001
- by filling out the online form accessible in the OAIC website - [Enquiry Form \(business.gov.au\)](http://business.gov.au)

Contacts

If you require clarification of any of the matters discussed in this letter you should contact me on 1300 362 072 or at information.access@ombudsman.gov.au

Yours sincerely



Jodie Hanlon
Director
Legal Team

Influencing systemic improvement in public administration